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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,438	10/07/2004	Bernd Bruchmann	4372-11	8484
23117 7590 02/23/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
DICUS, TAMRA				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
02/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/510,438	BRUCHMANN ET AL.	
Examiner	Art Unit	
TAMRA L. DICUS	1794	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 13 March 2008 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Appellant argues the combination of Kaczun in view of Anderson, alleging there is no suggestion in Anderson to include polymers into the solvent-based perfume barrier layer of Kaczun (pointing to Kaczun's linear aromatic polyesters). However, this is not a persuasive argument because Kaczun teaches in general inks printed in between polyolefin-based film layers, polypropylene and polyethylene (see Abstract, Fig. 1, page 9, Example 1, and page 5, describing inks 14 are applied and printed between the polyolefin packaging film) and Anderson explicitly teaches the inventive hyperbranched polyester included in inks, used in film printing and packaging, for the reason of adhering well to a polyolefin films also (see col. 25, lines 30-45). It is significant to note that Kaczun does not teach that the print layer is organic solvent based contrary to Appellants arguments. Rather, Kaczun generally teaches inks which would include both solvent-based and water-based inks and thus combination with Anderson is proper. Further Appellant has provided no evidence, such as comparative test data to prove otherwise. The rejections of claims 1-12 are sustained for reasons of record.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1794